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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,277	10/22/2001	Jeffrey S. Flier	1440.1042-004	9612

7590 11/17/2003

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EXAMINER

BYRD, DEVON R

ART UNIT PAPER NUMBER

1639

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20030829

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents**ELECTION/RESTRICTION : BONAFIDE ATTEMPT LETTER**

The communication filed October 20, 2003 is not fully responsive to the Office communication mailed in paper no. 7 (dated 9/3/03) for the reason(s) set forth herein.

The examiner required an election of a representative species for each of the following generic categories (a)-(k):

- a) [a] SOCS-3 antisense nucleotide (e.g., as disclosed on p 31, Example 2)
- b) a modified SOCS-3 polypeptide, (e.g., as disclosed on p 12, lns 6-18)
- c) a SOCS-3 inhibitor
- d) a SOCS-3 target protein
- e) a cell line as disclosed on p 15, ln 29 (e.g., CHO, Ba/F3, HepG2, H35-hepatoma cells) and p 30, ln 25 (e.g., astrocytes)
- f) a cytokine receptor as disclosed on p 16, lns 4 and 5 (e.g., CNTF receptor)
- g) a reporter gene as disclosed on p 14, lns 16 and 17 (e.g., CAT, luciferase, β -galactosidase)
- h) a cognate ligand
- i) an organic molecule library
- j) a cDNA expression library
- k) an effective amount of a SOCS-3 inhibitor

Applicant's reply was non-responsive because Applicant merely restated the generic category of "an organic molecule library" rather than electing a single representative species of this enormous generic category. The term "organic molecule library" is unsearchable, as it reads on an infinite number of carbon-containing molecules in virtually every class and subclass. Applicant is required to elect a single specific representative class of organic molecule corresponding to a specific core structure that is directed to the utility of elected Group III. The examiner apologizes for any lack of clarity in the Species Election Requirement.

Since the above-mentioned reply appears to be bona fide attempt to comply, applicant is given a TIME PERIOD of ONE (1) MONTH from the mailing date of this communication within which to correct the deficiency. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

General information regarding further correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Byrd


whose telephone number is (703) 305-0159.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang (art unit 1639), can be reached at (703)306-3217.

Any inquiry of a general nature, or relating to the status of this application, should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Devon Byrd (art unit 1639)

November 13, 2003.

A handwritten signature in black ink, appearing to read "Devon Byrd", with a stylized flourish at the end.